

27 OCT 1998



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Ross J. Oehler
Rhone-Poulenc Rorer Inc.
P.O. Box 5093, Mail Drop 3C43
Collegeville, PA 19426-0997

In re Application of	:	
PERRICAUDET et al	:	DECISION ON
Application No.: 08/894,246	:	
PCT No.: PCT/FR96/00218	:	PETITION
Int. Filing Date: 12 February 1996	:	
Priority Date: 14 February 1995	:	UNDER 37 CFR 1.47(a)
Attorney's Docket No.: EX95001-US	:	
For: MEDICAL COMBINATION USEFUL FOR	:	
IN VIVO EXOGENIC TRANSFECTION AND	:	
EXPRESSION	:	

This decision is in response to applicants' " PETITION UNDER 35 U.S.C. §118 AND 37 C.F.R. § 1.47(a)" filed 22 May 1998, seeking the acceptance of the application without the signature of the co-inventor Martin Lee.

BACKGROUND

Applicant has filed a declaration by Paul Fehlner attesting that he sent a complete copy of the application papers to Martin Lee and that in a telephone conversation he indicated that he would not sign the papers. Applicant also filed a declaration signed by the co-inventors on their behalf and on behalf of Martin Lee.

DISCUSSION

The application and papers have been reviewed and have been found to be in compliance with 37 CFR 1.47(a). The steps enumerated by Mr. Fehlner are sufficient to establish that the Mr. Lee has refused to sign the declaration.

CONCLUSION

The petition under 37 CFR 1.47(a) is GRANTED.

The Application Division and the International Division are authorized to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The application will be given an international filing date of 12 February 1996 under 35 U.S.C. 363, and a date of 22 May 1998 under 35 U.S.C. 371(c) and 102(e).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.



Leonard E. Smith
PCT Legal Examiner
PCT Legal Office

LES:ls

Telephone: (703) 308-6461
Facsimile: (703) 308-6459

27 OCT 1998



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty
Legal Office

Address: Assistant Commissioner for Patents
Box PCT
Washington, D.C. 20231

Martin Lee
64 Princes Street
Oxford OX4 1DE
ENGLAND

In re Application of
PERRICAUDET et al
Application No.: 08/894,246
PCT No.: PCT/FR96/00218
Int. Filing Date: 12 February 1996
Priority Date: 14 February 1995
Attorney's Docket No.: EX95001-US
For: MEDICAL COMBINATION USEFUL FOR IN VIVO EXOGENIC TRANSFECTION
AND EXPRESSION

Dear Dr. Lee:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Leonard E. Smith
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6461
Facsimile: (703) 308-6459

Ross J. Oehler
Rhone-Poulenc Rorer Inc.
P.O. Box 5093, Mail Drop 3C43
Collegeville, PA 19426-0997